

BEFORE THE INVESTIGATIVE PANEL OF THE
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE, NO. 05-131
RE: JUDGE BRANDT C. DOWNEY III

AMENDED MOTION FOR DISCOVERY

COMES NOW, Brandt C. Downey III, Pro Se, (hereinafter referred to as “Respondent”), and files this, his Amended Motion For Discovery, pursuant to Rule 12 of the Rules of the Florida Judicial Qualifications Commission and states:

1. It has come to my attention that the prior Special Counsel used the services of a private investigator by the name of Mr. Bob Butler.
2. As private investigator, Mr. Bob Butler could not be a witness in this cause as his testimony would be considered hearsay.
3. Since he did speak with witnesses in this case, he might possibly have discoverable information in his possession.
4. It has further come to the Respondent’s attention that Mr. Bob Butler tape recorded his interviews with these potential witnesses and might have possibly transcribed these notes. All of these potential witness statements would have been made not under oath to Mr. Bob Butler, but might still have great evidentiary value to this Respondent.
5. It is imperative that Respondent be allowed to review all of these materials before any depositions are taken.

6. Mr. Bob Butler's investigative notes could lead this Respondent to discoverable information to aid this Respondent in his defense. This information may not be included in Special Counsel's response to this Respondent's first Motion For Discovery.

WHEREFORE, Respondent respectfully requests that the Special Counsel be ordered to provide to the Respondent this private investigator's notes, letters, memorandums, e-mails, transcripts of any taped interviews, copies of the recorded tapes themselves and copies of any and all other correspondence between this Private Investigator and the prior and/or current Special Counsel and/or other individuals involved in this case.

BRANDT C. DOWNEY III
Circuit Judge, Sixth Judicial Circuit
Pinellas County Courthouse
315 Court Street, Room 421
Clearwater, FL 33756

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and seven copies were filed by regular U.S. Mail to Thomas D. Hall, Clerk, Supreme Court of Florida, 500 South Duval Street, Tallahassee, FL 32399-1927 with a copy sent via e-mail to e-file@flcourts.org; and a copy furnished by regular U.S. Mail to E. Lanny Russell, Esquire, 225 Water Street, Suite 1800, Jacksonville, FL 32202 and to Thomas C. MacDonald, Jr., Esquire, General Counsel, JQC, 1904 Holly Lane, Tampa, FL 33629, this ____ day of February 2006.

BRANDT C. DOWNEY III